

19-6-117 Action against insurer or guarantor.

- (1) The state may assert a cause of action directly against an insurer or guarantor of an owner or operator if:
 - (a) a cause of action exists against an owner or operator of a treatment, storage, or disposal facility, based upon conduct for which the director requires evidence of financial responsibility under Section 19-6-108, and that owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the federal Bankruptcy Code; or
 - (b) jurisdiction over an owner or operator, who is likely to be solvent at the time of judgment, cannot be obtained in state or federal court.
- (2) In that action, the insurer or guarantor may assert all rights and defenses available to the owner or operator, in addition to rights and defenses that would be available to the insurer or guarantor in an action brought against him by the owner or operator.

Amended by Chapter 360, 2012 General Session